

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

Application 26442 Permit 18269 License

**ORDER DELETING TWO RESERVOIR SITES,
ADDING A NEW RESERVOIR AS A POINT OF
DIVERSION AND REDIVERSION OF STORAGE,
INCREASING THE PLACE OF USE, AND
APPROVING A NEW DEVELOPMENT SCHEDULE**

WHEREAS:

1. Permit 18269 was issued to Gallo Glass Company and Frei Brothers on June 3, 1981 pursuant to Application 26442.
2. Permit 18269 was subsequently assigned to Gallo Vineyard, Inc.
3. A petition to delete two reservoir sites, add a reservoir as a point of diversion and rediversion of storage on an unnamed stream tributary to Dry Creek, increase the place of use, redistribution of storage, and a petition for an extension of time within which to develop the project and apply the water to the proposed use have been filed with the State Water Resources Control Board (SWRCB).
4. The SWRCB has determined that the petitioned changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
5. The permittee has proceeded with diligence and good cause has been shown for said extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 2 of the permit be amended to read:

Points of Diversion, Rediversion, and Storage:

- 1) Reservoir A: North 1,000 feet and West 1,400 feet from the SE corner of projected Section 36, T10N, R10W, MDB&M, being within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 36 (California Coordinates System, Zone 2, N 365,600 and E 1,739,150);

- 2) Reservoir C-3: North 2,800 feet and West 450 feet from the SE corner of projected Section 36, T10N, R10W, MDB&M, being within the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ said Section 36 (California Coordinate System, Zone 2, N 365,400 and E 1,739,300); and

Point of Rediversion and Storage:

- 3) Reservoir LS-A: North 500 feet and East 2,100 feet from the SW corner of projected Section 31, T10N, R9W, MDB&M, being within the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 31 (California Coordinate System, Zone 2, N 365,100 and E 1,743,700).

2. Redistribution of storage as follows:

- 1) Reservoir A: 47 acre-feet;
- 2) Reservoir C-3: 470 acre-feet; and
- 3) Reservoir LS-A: 167 acre-feet

3. Condition 4 of the permit be amended to read:

Place of Use: 774.3 acres described as follows:

227.7 acres within projected Section 1, T9N, R10W, MDB&M;
79.1 acres within projected Section 6, T9N, R9W, MDB&M;
48.6 acres within projected Section 31, T10N, R9W, MDB&M;
4.6 acres within projected Section 35, T10N, R10W, MDB&M; and
414.3 acres within projected Section 36, T10N, R10W, MDB&M.

4. Condition 7 of the permit be amended to read:

CONSTRUCTION WORK SHALL BE
COMPLETED ON OR BEFORE

December 31, 1997

(0000008)

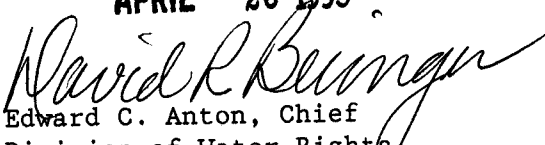
5. Condition 8 of the permit be amended to read:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 31, 1999

(0000009)

Dated: APRIL 28 1995

For 
Edward C. Anton, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER
18269

26442

APPLICATION

PERMIT

LICENSE

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE, AND AMENDING THE PERMIT

WHEREAS:

1. A petition for extension of time within which to develop the project has been filed with the State Water Resources Control Board.
2. The permittee has proceeded with diligence and good cause has been shown for extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Paragraph 7 of the permit is amended to read as follows:

CONSTRUCTION WORK SHALL BE
COMPLETED ON OR BEFORE

December 1, 1990

(000 0008)

2. Paragraph 8 of the permit is amended to read as follows:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 1, 1991

(000 0009)

3. Paragraph 11 of this permit is deleted. A new paragraph 11 is added as follows:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water

measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(over 0012)

Dated: DECEMBER 23 1986

Raymond Walsh

Raymond Walsh, Chief
Division of Water Rights

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 26442

PERMIT 18269

LICENSE _____

ORDER APPROVING A CHANGE IN POINT OF DIVERSION

WHEREAS:

1. A petition to change point of diversion has been filed with the State Water Resources Control Board.
2. The permittee has proceeded with diligence and good cause has been shown for extension of time.
3. The Board has determined that the petitioned change does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Paragraph 2 of this permit regarding points of diversion is amended to read as follows:

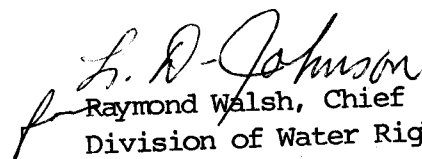
Reservoir A
Storage and Rediversion
North 1,000 feet and West 1,400 feet from the SE corner of projected
Section 36, being within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 36, T10N, R10W, MDB&M.

Reservoir B
Storage and Rediversion
North 1,850 feet and West 1,350 feet from the SE corner of projected
Section 36, being within the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 36, T10N, R10W, MDB&M.

Reservoir C-1
Offstream Storage and Rediversion
North 2,400 feet and West 2,500 feet from the SE corner of projected
Section 36, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 36, T10N, R10W, MDB&M.

Reservoir C-3
Storage and diversion to offstream storage North 2,800 feet and West 400
feet from the SE corner of projected Section 36, being within the SE $\frac{1}{4}$ of
NE $\frac{1}{4}$ of Section 36, T10N, R10W, MDB&M.

Dated: JULY 9 1982


Raymond Walsh, Chief
Division of Water Rights

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 26442

PERMIT 18269

LICENSE _____

ORDER APPROVING A CHANGE IN POINT OF DIVERSION

WHEREAS:

1. A petition to change point of diversion has been filed with the State Water Resources Control Board.
2. The permittee has proceeded with diligence and good cause has been shown for extension of time.
3. The Board has determined that the petitioned change does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Paragraph 2 of this permit regarding points of diversion is amended to read as follows:

✓ Reservoir A

Storage and Rediversion

North 1,000 feet and West 1,400 feet from the SE corner of projected Section 36, being within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 36, T10N, R10W, MDB&M.

✓ Reservoir B

Storage and Rediversion

North 1,850 feet and West 1,350 feet from the SE corner of projected Section 36, being within the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 36, T10N, R10W, MDB&M.

Reservoir C-1

Offstream Storage and Rediversion

North 2,400 feet and West 2,500 feet from the SE corner of projected Section 36, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 36, T10N, R10W, MDB&M.

✓ Reservoir C-3

Storage and diversion to offstream storage North 2,800 feet and West 400 feet from the SE corner of projected Section 36, being within the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 36, T10N, R10W, MDB&M.

Dated: JULY 9 1982

L. D. Johnson

for Raymond Walsh, Chief
Division of Water Rights

COPY FOR FIELD ENGINEER

P18269

4-3-87 Ownership Chgd to Gallo Glass Company

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

18269

PERMIT

Application 26442 of GALLO GLASS COMPANY AND FREI BROTHERS

3387 DRY CREEK ROAD, HEALDSBURG, CALIFORNIA 95448

filed on JULY 2, 1980, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

UNNAMED STREAMS (2)

DRY CREEK

RUSSIAN RIVER

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridian
(SEE ADDENDUM)					

County of SONOMA

3. Purpose of use:	4. Place of use:	Section	Town- ship	Range	Base and Meridian	Acres
HEAT PROTECTION						
FROST PROTECTION						
IRRIGATION		1	9N	10W	MD	101
	W1/2	31	10N	9W	MD	9
	E1/2 OF SE1/4	35	10N	10W	MD	12
		36	10N	10W	MD	404
					TOTAL	526

The place of use is shown on map filed with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed A TOTAL OF 684 ACRE-Feet PER ANNUM TO BE COLLECTED FROM OCTOBER 15 OF EACH YEAR TO MARCH 15 OF THE SUCCEEDING FOR FROST PROTECTION AND FROM OCTOBER 15 OF EACH YEAR TO MAY 15 OF THE SUCCEEDING YEAR FOR IRRIGATION AND HEAT PROTECTION IN RESERVOIR C-3, RESERVOIR A, RESERVOIR B AND RESERVOIR C-1.

THIS PERMIT DOES NOT AUTHORIZE COLLECTION OF WATER TO STORAGE OUTSIDE OF THE SPECIFIED SEASON TO OFFSET EVAPORATION AND SEEPAGE LOSSES OR FOR ANY OTHER PURPOSE.

THE MAXIMUM RATE OF DIVERSION TO OFFSTREAM STORAGE SHALL NOT EXCEED 100 CUBIC FEET PER SECOND. (000 000 5)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (000 000 6)

~~7. Actual construction work shall begin on or before two years from date of permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.~~

7. Construction work shall be completed on or before DECEMBER 1, 1984. (000 000 8) amended 12-23-86

8. Complete application of the water to the proposed use shall be made on or before DECEMBER 1, 1985. (000 000 9) amended 12-23-86

9. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (000 001 0)

10. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (000 001 1)

11. Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. (000 001 2) amended 12-23-86

12. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (000 001 3)

13. THE STATE WATER RESOURCES CONTROL BOARD RESERVES JURISDICTION OVER THIS PERMIT TO IMPOSE ANY APPROPRIATE CONDITIONS AT SOME FUTURE DATE TO CONFORM THE PERMIT TO BOARD POLICY ON USE OF WATER FOR FROST PROTECTION. ACTION BY THE BOARD WILL BE TAKEN ONLY AFTER NOTICE TO INTERESTED PARTIES AND OPPORTUNITY FOR HEARING. (000 002 0)

14. PERMITTEE SHALL INSTALL AND MAINTAIN AN OUTLET PIPE OF ADEQUATE CAPACITY IN HIS DAM FORMING RESERVOIR C-3 AS NEAR AS PRACTICABLE TO THE BOTTOM OF THE NATURAL STREAM CHANNEL, OR PROVIDE OTHER MEANS SATISFACTORY TO THE STATE WATER RESOURCES CONTROL BOARD, IN ORDER THAT WATER ENTERING THE RESERVOIR WHICH IS NOT AUTHORIZED FOR APPROPRIATION UNDER THIS PERMIT MAY BE RELEASED. (005 004 3)

15. PERMITTEE SHALL, WHEN REQUIRED BY THE STATE WATER RESOURCES CONTROL BOARD, INSTALL AND MAINTAIN AN OUTLET PIPE OF ADEQUATE CAPACITY IN HIS DAM FORMING RESERVOIR A AS NEAR AS PRACTICABLE TO THE BOTTOM OF THE NATURAL STREAM CHANNEL, OR PROVIDE OTHER MEANS SATISFACTORY TO THE STATE WATER RESOURCES CONTROL BOARD, IN ORDER THAT WATER ENTERING THE RESERVOIR WHICH IS NOT AUTHORIZED FOR APPROPRIATION UNDER THIS PERMIT MAY BE RELEASED. (005 004 3)

16. IF THE STORAGE DAM FORMING RESERVOIR B IS OF SUCH SIZE AS TO BE WITHIN THE JURISDICTION OF THE DEPARTMENT OF WATER RESOURCES AS TO SAFETY, STORAGE OF WATER SHALL NOT BE COMMENCED UNTIL THE DEPARTMENT HAS APPROVED PLANS AND SPECIFICATIONS. (036 004 8)

17. IF THE STORAGE DAM FORMING RESERVOIR C-3 WILL BE OF SUCH SIZE AS TO BE WITHIN THE JURISDICTION OF THE DEPARTMENT OF WATER RESOURCES AS TO SAFETY, CONSTRUCTION SHALL NOT BE COMMENCED UNTIL THE DEPARTMENT HAS APPROVED PLANS AND SPECIFICATIONS. (036 004 8)

18. IN ACCORDANCE WITH THE REQUIREMENTS OF WATER CODE SECTION 1393, PERMITTEE SHALL CLEAR THE SITE OF THE PROPOSED RESERVOIR C-3 OF ALL STRUCTURES, TREES AND OTHER VEGETATION WHICH WOULD INTERFERE WITH THE USE OF THE RESERVOIR FOR WATER STORAGE AND RECREATIONAL PURPOSES. (0120050)

19. IN ORDER TO PREVENT DEGRADATION OF THE QUALITY OF WATER DURING AND AFTER CONSTRUCTION OF THE PROJECT, PRIOR TO COMMENCEMENT OF CONSTRUCTION PERMITTEE SHALL FILE A REPORT PURSUANT TO WATER CODE SECTION 13260 AND SHALL COMPLY WITH ANY WASTE DISCHARGE REQUIREMENTS IMPOSED BY THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, NORTH COAST REGION, OR BY THE STATE WATER RESOURCES CONTROL BOARD. (0000100)

20. THE TOTAL QUANTITY OF WATER DIVERTED UNDER THIS PERMIT, TOGETHER WITH THAT DIVERTED UNDER PERMIT ISSUED PURSUANT TO APPLICATION 26440, SHALL NOT EXCEED 754 ACRE-FEET PER ANNUM. (0000114)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated:

JUNE 3 1981

STATE WATER RESOURCES CONTROL BOARD

Raymond J. Nash

CHIEF, DIVISION OF WATER RIGHTS